



CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

OFFICE OF THE DIRECTOR

7 September 1967

The Honorable Lister Hill  
United States Senate  
Washington, D. C.

My dear Senator Hill:

Attached is a copy of a letter I wrote to Chairman Russell setting forth our views on S. 1035. With his concurrence, I am forwarding it to you as a participant in C. I. A. subcommittee proceedings.

It is our understanding that S. 1035 will be called up for Senate action on 19 September.

Respectfully,  
(Signed) Richard Helms

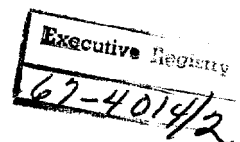
Richard Helms  
Director

Attachment - 1

Letter to Chairman Richard B. Russell  
dated 1 September 1967

cc: Mr. William H. Darden, Chief of Staff  
Armed Services Committee  
United States Senate

Identical letters sent: Chairman Carl Haydeh,  
Senators John C. Stennis, Stuart Symington,  
Henry M. Jackson, Margaret Chase Smith,  
Strom Thurmond, Milton R. Young, Karl E. Mundt,  
J. William Fulbright, Bourke B. Hickenlooper,  
and Mike J. Mansfield.



1 September 1967

The Honorable Richard B. Russell, Chairman  
Committee on Armed Services  
The United States Senate  
Washington, D. C.

My dear Mr. Chairman:

The attached letter sets forth my views on the provisions of Senate 1035. I deeply regret disturbing you during the Labor Day recess with this matter, but I need your advice and counsel as to how I should conduct myself in this situation. Do you want me to see various Senators and present my views, or would you prefer that I leave the matter in your hands? Further, I shall be glad to make copies of the attached letter available to the members of the subcommittees on C. I. A. if you think it appropriate.

As you know, S. 1035 was scheduled for Senate floor action on 29 August. When I learned this on the afternoon of 28 August, I took the liberty, in your absence, of appealing to Senators Stennis and Dirksen to get consideration of the bill put over. It is now scheduled for 19 September.

I hope that in reading the bill, you will come to agree with my concerns about it.

Respectfully,

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Richard Helms  
Director

Attachment

RHelms/ecd - 1/9/67

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**The Honorable Richard B. Russell  
Chairman, Committee on Armed Services  
United States Senate  
Washington, D.C.**

**My dear Mr. Chairman:**

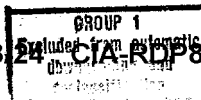
**I am deeply concerned over the impact of the provisions of Senate 1035 upon the Central Intelligence Agency and, for that matter, on the departments and agencies of the intelligence community.**

**Let me state to begin with that my colleagues and I in C.I.A. are as keenly interested as any member of the Congress in the need to preserve the Constitutional rights and freedoms of all our citizens. Most of us originally joined the Agency and continue to work for it not only because we believe in those basic democratic freedoms but because we know them to be threatened by external and aggressive forces. The national security which we have sworn to defend is not to us a mindless abstraction or xenophobic slogan. Rather it is because our country's borders define a rule of law that permits a Bill of Rights to flourish that we believe our nation's security is worth defending. The men I know who have undertaken difficult and often dangerous assignments abroad have done so in the mature conviction that they were helping to preserve the democratic rights of our people.**

**If all the nations of the earth were peaceful democracies and if there existed reliable international guarantees against aggression and subversion, I would not have to write this letter nor would this country need a C.I.A. Much as we look forward to such a safe and peaceful world, we have to accept the hard fact that it does not yet exist. In the world of reality in which we have no choice but to live, the survival of our country as a free and democratic state depends upon our ability to protect the security of our**

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defensive plans and dispositions. It also depends on our ability to predict and anticipate the new forms of military and political aggression that an indefatigable opponent may invent. In this struggle that has been forced upon us, nothing is more important than the integrity, the high morale, and the competence of the men and women who work for us.

After some twenty years of experience, we in the C.I.A. are, I think, well aware of the nature of the espionage effort directed against this country. The Soviet KGB, the intelligence services of the Eastern European satellites, of Cuba, and of Communist China are engaged in a continuing endeavor to discover and exploit any human frailty among those who have access to that sensitive information which these unfriendly intelligence services do not know. If a man is in deep financial trouble, a tempting bribe is offered. If a man has a past record of homosexual activity, that vulnerability is exploited by ruthless blackmail. If a man has a relative whose safety or welfare is within their power to threaten, the threat is made. I do not mean to over-dramatize but to suggest that employment in the field of intelligence is subject to special risks and pressures to which the average federal employee is not subjected.

It is my conviction that the Agency would be derelict if we did not recognize this as a special situation and adopt special procedures. The protection of the vast amount of highly sensitive information so vital to our national security can be no better than the security, integrity, and practices of any employee having access to such sensitive information. Accordingly, we must ensure to the best of our abilities that employees selected to perform duties involving the national security are suitable in all respects. We must of necessity know a great deal more about those whom we select than would be necessary in a nonsensitive activity, and we must also know a great deal more about our employees throughout their period of service. In the Central Intelligence Agency we feel we have developed a system which gives reasonable protection to the national interest and at the same time, through its professional management, ensures the well being and rights of the employees serving our national

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interests. We believe that this type of program is necessary and we expect a high sense of self-discipline from our employees. While this concept may not be entirely to the liking of some applicants and employees, I am confident that most employees accept it as necessary and proper in carrying out our mission. We have a corps of highly qualified, well-trained, professional officers, and their dedication to the intelligence program is demonstrated by their accomplishments and one of the lowest attrition rates in Government attests to their job satisfaction.

The following will illustrate some of the problems which this proposed legislation would create for us:

Section 1(b), while commendably protecting an employee from compulsory attendance at meetings and lectures on matters unrelated to his official duties, would, for example, make it unlawful for the Agency to "take notice" of the attendance of one of its employees at a meeting held by a subversive group or organization. I question whether this is really the Committee's intent and yet this is clearly one of the effects of Section 1(b).

Section 1(d), in making it unlawful to require an employee to make any report of his activities or undertakings not related to the performance of official duties, is similar in its effect to Section 1(b). It poses the question whether the Agency, having learned or discovered that one of its employees is in regular and unreported contact with an intelligence official of a foreign government, would be violating the law in asking the employee for an explanation of this relationship, particularly in the case in which the employee's official duties do not relate to matters involving that particular foreign government. Further, this Section is in conflict with a long-established policy that employees of the Agency must obtain prior approval in making public speeches or writing for publication. These and additional restrictions are established to prevent the inadvertent disclosure of sensitive intelligence through employee activities or undertakings not related to official duties. Here again the question arises whether the Agency would be violating the law in exerting control over these activities.

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Section 1(e) deals with psychological testing. We do have such a testing program in the Agency and it has proved itself to be an invaluable aid in the assessment of applicants and employees. It performs a medical screening and examination service as an integral part of our applicant and employee processing and permits us to minimize the number of personal consultations by the doctors of our medical staff. This service is supervised by a professional medical staff wherein the privacy of the information so developed is assured. The determination of degree of evaluation and assessment of an individual applicant or employee is entirely a professional medical decision for medical evaluation purposes. As I understand this Section of the bill, it would be necessary for me to make several thousand individual findings each year to permit psychological testing if I am to protect the Agency and its operations from individuals who in the absence of an established screening process we might otherwise hire and later find totally unsuitable.

Section 1(f) deals with the restrictions on the use of the polygraph test to elicit information considered to be of a personal nature. I have recently reviewed once again the policies and procedures under which this device is employed and I firmly believe that its use has not been abused. It has proved itself to be an extremely valuable aid to investigation in the development of information which we would not normally have come to know in the course of a standard security field investigation. Had we not had the benefit of the use of the polygraph through these past years, we might well have had on our rolls some hundreds of persons who would have been unsuitable for employment in intelligence operations and activities. We employ elaborate procedures designed to properly control the use of the polygraph and to fully explain the purposes of the test and the manner in which it is conducted. The polygraph testing is handled by a staff of carefully selected, highly qualified and well-trained professional security officers with years of professional experience. The proposed bill would ask of me that I personally consider each year several thousand applicant and other folders and personally approve or disapprove such a test in each individual case. It is simply not practical to do this.

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Section 1(k) poses a problem for the Agency in that it would appear to require the presence of counsel in behalf of an employee as soon as and at the very moment that a supervisor were to ask the employee the reasons for some suspected dereliction of duty ranging from a serious security violation to even coming to work late. This provision goes to the very heart of the continuous process of review of intelligence operations and activities to determine their effectiveness, the quality of information derived, and the professionalism in which the activities were conducted. Out of such interviews or post-mortems there naturally evolves the review of individual employee performance which, if unsatisfactory, can readily result in disciplinary action. A great many extremely sensitive intelligence operations and activities are involved in this process and the presence of private counsel in behalf of an employee would raise most serious questions as to the appropriate control and protection of the intelligence information involved. I cannot believe that these kinds of restraint on our managerial and intelligence operational program are the intent of the Committee and yet this does seem to be the effect of this Section as presently written. Obviously, I have no desire that an employee should be deprived of the right of counsel when appropriate, but the wording of this Section would make it "unlawful" to ask the simple preliminary questions which are necessary to establish whether or not there is some failure in performance or dereliction of duty unless provision were also made at the same time for the presence of counsel if the employee so requested.

Section 1(l) compounds the serious dilemmas which several of the provisions of the bill raise for the Agency by making it unlawful for me to take actions to protect the security and integrity of the Agency even though the Central Intelligence Act of 1949 places that responsibility upon me. The implications of this Section for the orderly administration of the business of the Agency are most troublesome.

Section 4 of the bill could create very considerable mischief. This is the Section which permits any employee or applicant who alleges that an officer of the executive branch has violated or threatened to violate

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provisions of the Act to bring civil action in the District courts. Communist or other subversives acting on their own or on instructions from foreign agents, would have the authority, under this Section of the bill, to file a civil action if, for example, in the course of a recruitment interview, simple and nonsensitive questions relating to the background of the individual were asked and were considered incompatible with the other provisions of the bill. Although it may be argued that the Agency could, in a trial of the issue in open court, prove that it had acted fully in accordance with the provisions of the bill, this might well require in some of these cases a kind of exposition on the public record, of the personnel and activities of the Agency, which would be totally inconsistent with the security of our personnel and activities. I am reminded here of the fact that Congress has charged me with the protection of sources and methods of intelligence, a serious responsibility.

Section 5. The comments made with respect to Section 4 above are only to a slightly lesser extent equally applicable to Section 3.

Section 6. With respect to Section 6, I have previously noted that this would impose an almost impossible burden.

In regard to Section 1(i) concerning disclosure of property income or other assets or liabilities, this provision standing alone presents little difficulty but when considered with Section 6 and the number of personal determinations involved the burden becomes considerable. Similarly in the case of Section 1(j), we would have no particular difficulty although application of this Section might pose practical problems.

With respect to Section 8, I can assure you that we have an elaborate system of internal grievance procedures, including the maintenance of an Office of the Inspector General who reports directly to me and whose door is always open to each and every one of our employees.

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Section 1(a) is quite compatible with current Agency practices and Sections 1(c), 1(g), and 1(h) do not affect current Agency practices. Sections 2 and 3 of the bill do not relate to the Agency. Regarding Section 7, I have no comment.

In conclusion I well remember the great concern expressed by the Congress in the late 1940's over loose security practices and procedures in Government and the strong reaction of the Congress which resulted in more stringent security regulations and standards of employee suitability. These measures have through the years guided our efforts to ensure that we are able to frustrate the aggressive nature of operations directed against our national security by hostile foreign intelligence services.

In my judgment this bill, if enacted, would be a most serious obstacle to the effective protection of intelligence sources and methods. It would seriously weaken our effort to prevent penetration by a hostile intelligence service, to ensure that our employees are suitable in all respects for employment in this sensitive Agency, and in general make it much more difficult for the Director of Central Intelligence to discharge his responsibilities under existing law. I earnestly request your consideration of the serious issues suggested by this proposed legislation.

Respectfully,

SIGNED

Richard Helms  
Director

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